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15 [See Signature Block for Additional Counsel]

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN JOSE DIVISION

20 In re iPhone Application Litigation

CASE NO. 11-MD-02250-LHK

22 **SUPPLEMENTAL JOINT CASE
MANAGEMENT STATEMENT AND
[PROPOSED] ORDER VACATING OR
CONTINUING JUNE 12, 2013 CASE
MANAGEMENT CONFERENCE**

25 Date: June 12, 2013
26 Time: 2:00 p.m.
Place: Courtroom 8, 4th Floor
27 Judge: The Honorable Lucy H. Koh

Pursuant to Civil L.R. 16-10(d), the parties to this action certify that they have met and conferred and jointly submit this Supplemental Joint Case Management Statement.

DESCRIPTION OF SUBSEQUENT CASE DEVELOPMENTS

1. On April 10, 2013, this Court conducted a case management conference and issued a minute and case management Order modifying the case schedule as follows. (Dkt. No. 226.)

<u>Scheduled Event</u>	<u>Date</u>
Apple's Fact Discovery Cutoff	April 5, 2013
Apple's Motion for Summary Judgment	May 17, 2013
Opposition to Apple's Motion for Summary Judgment	September 26, 2013
Apple's Reply in Support of its Motion for Summary Judgment	October 10, 2013
Motion for Class Certification	August 19, 2013
Opposition to Motion for Class Certification	September 19, 2013
Reply in Support of Motion for Class Certification	October 10, 2013
Hearing on Motion for Class Certification	October 31, 2013, at 1:30 p.m.
Hearing on Apple's Motion for Summary Judgment	November 7, 2013, at 1:30 p.m.
Plaintiffs' Fact Discovery Cutoff	February 6, 2014
Opening Expert Reports	February 20, 2013
Rebuttal Expert Reports	March 6, 2014
Expert Discovery Cutoff	March 20, 2014
Last Day for Plaintiffs to File Dispositive Motion	April 3. 2013
Hearing on Plaintiffs' Dispositive Motion	May 15, 2014, at 1:30 p.m.
Final Pretrial Conference	July 17, 2014, at 2:00 p.m.
Jury Trial	August 4, 2014 at 9:00 a.m.
Length of Trial	7 days

2. At the request of the parties, the Court's Order also set a case management conference for June 12, 2013. (*Id.*)

³. Apple filed its Motion for Summary Judgment on May 17, 2013. (Dkt. No. 231.)

4. Apple also has made a supplemental production of documents pursuant to the parties' Stipulation In Lieu of Further Motion Practice Relating to Plaintiffs' Motions to Compel (Dkt. No. 221), filed March 29, 2013, which Magistrate Judge Grewal made an order of the Court on March 30, 2013 (Dkt. No. 222) .

5. Plaintiffs are reviewing the document production, and the parties are working together to schedule further depositions as appropriate in advance of Plaintiffs' Motion for Class Certification.

6. The parties also have agreed to engage in a further mediation, which is scheduled for August 5, 2013.

7. Because the parties are working cooperatively to move forward with discovery and Plaintiffs have just begun reviewing Apple’s recent supplemental production, the parties do not believe a case management conference on June 12, 2013 is necessary, and believe that judicial efficiency will be maximized and the interests of all parties and the Court will be best served by either vacating the case management conference or continuing it to a later date. The parties therefore respectfully request that the Court either vacate the June 12, 2013 case management conference or continue it to a date that is convenient for the Court in late August or September 2013. The parties are attaching a proposed order.

DATED: June 5, 2013

Respectfully submitted,

KAMBERLAW, LLC

By: _____ /s/ *Scott A. Kamber*
Scott A. Kamber

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9 *Executive Committee for Consolidated Plaintiffs*

10
11 DATED: June 5, 2013

GIBSON, DUNN & CRUTCHER LLP

12 By: _____ /s/ *S. Ashlie Beringer*
13 S. ASHLIE BERINGER

14 Attorneys for Defendant
15 APPLE INC.

16
17 **ATTORNEY ATTESTATION**

18 Pursuant to Civil Local Rule 5-1, I, S. Ashlie Beringer, hereby attest that concurrence in the
19 filing of this document has been obtained from Scott A. Kamber.

20 DATED: June 5, 2013

By: _____ /s/ *S. Ashlie Beringer*
S. ASHLIE BERINGER

1 **SUPPLEMENTAL CASE MANAGEMENT STATEMENT AND [PROPOSED] ORDER**

2 The Supplemental Case Management Statement and Proposed Order is hereby adopted by the
3 Court as a Supplemental Case Management Order for this case. Further, the Court orders as follows:

4 1. The June 12, 2013 case management conference is hereby vacated

5 OR

6 continued to _____.

7 Dated:

8 _____
9 The Honorable Lucy H. Koh
United States District Judge

DECLARATION OF SERVICE

I, Lorraine Nishiguchi, declare as follows:

I am employed in the County of Santa Clara, State of California; I am over the age of 18 years and am not a party to this action; my business address is 1881 Page Mill Road, Palo Alto, California 94304, in said County and State. On June 5, 2013, I served the within:

SUPPLEMENTAL JOINT CASE MANAGEMENT STATEMENT AND [PROPOSED] ORDER VACATING OR CONTINUING JUNE 12, 2013 CASE MANAGEMENT CONFERENCE

to all named counsel of record as follows:

BY ECF (ELECTRONIC CASE FILING): I e-filed the above-detailed documents utilizing the United States District Court, Northern District of California's mandated ECF (Electronic Case Filing) service. Counsel of record are required by the Court to be registered e-filers, and as such are automatically e-served with a copy of the documents upon confirmation of e-filing.

I certify under penalty of perjury that the foregoing is true and correct, that the foregoing document(s) were printed on recycled paper, and that this Declaration of Service was executed by the undersigned on June 5, 2013, at Palo Alto, California.

/s/ *Lorraine Nishiguchi*

LORRAINE NISHIGUCHI